



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,191	11/14/2003	John Fritsch	12-9540-6520-0000-1	9356

55851 7590 09/07/2006

THE MACLEAN FOGG COMPANY  
c/o DANA ALDEN  
1000 ALLANSON ROAD  
MUNDELEIN, IL 60060-3890

EXAMINER
----------

SHARP, JEFFREY ANDREW

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,191	<b>Applicant(s)</b> FRITSCH, JOHN	
	<b>Examiner</b> Jeffrey Sharp	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2005 and 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

[1] This action is responsive to Applicant's remarks/amendment filed on 14 June 2006 with regard to the non-final Official Office action mailed on 14 February 2006.

#### ***Status of Claims***

[2] Claims 1-20 are pending. Claims 11 and 16 have been amended so as to have a change in scope. Claim 13 depends from claim 11, and also changes in scope. Claims 14, 19, and 20 have been amended only to correct an informality.

#### ***Information Disclosure Statement***

[3] Applicant's lengthy IDS filed 29 June 2006 has not yet been fully considered. A brief review of the documents contained therein revealed that most of the documents are unrelated to the claims of this application. Therefore, the applicant is requested to identify twenty or so documents most relevant to the claim of this application so that they may be given proper consideration by the examiner. Though now simply a request, it may be applied under Rule 105 in the future. The IDS has been placed in the application file, but the information referred to therein has not been considered.

#### ***Response to Arguments/Remarks***

[4] Claims 1-20 were previously rejected under 35 U.S.C. 102(f) as being anticipated by Kent Kallsen (not listed on the oath/declaration).

In view of Applicant's affidavit filed 14 June 2006 stating that Kent Kallsen was inadvertently listed as the sole inventor on the coversheet at the time of filing, and that Kent Kallsen has taken no part in the present invention, the Examiner has withdrawn this rejection. The amendment to the specification is acknowledged.

[5] Claims 1-20 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Vasseur et al. US-5,779,411.

Applicant's arguments filed 14 June 2006 have been fully considered but are moot in view of the following new grounds of rejection.

***New Grounds of Rejection***

***Claim Rejections - 35 USC § 102***

[6] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

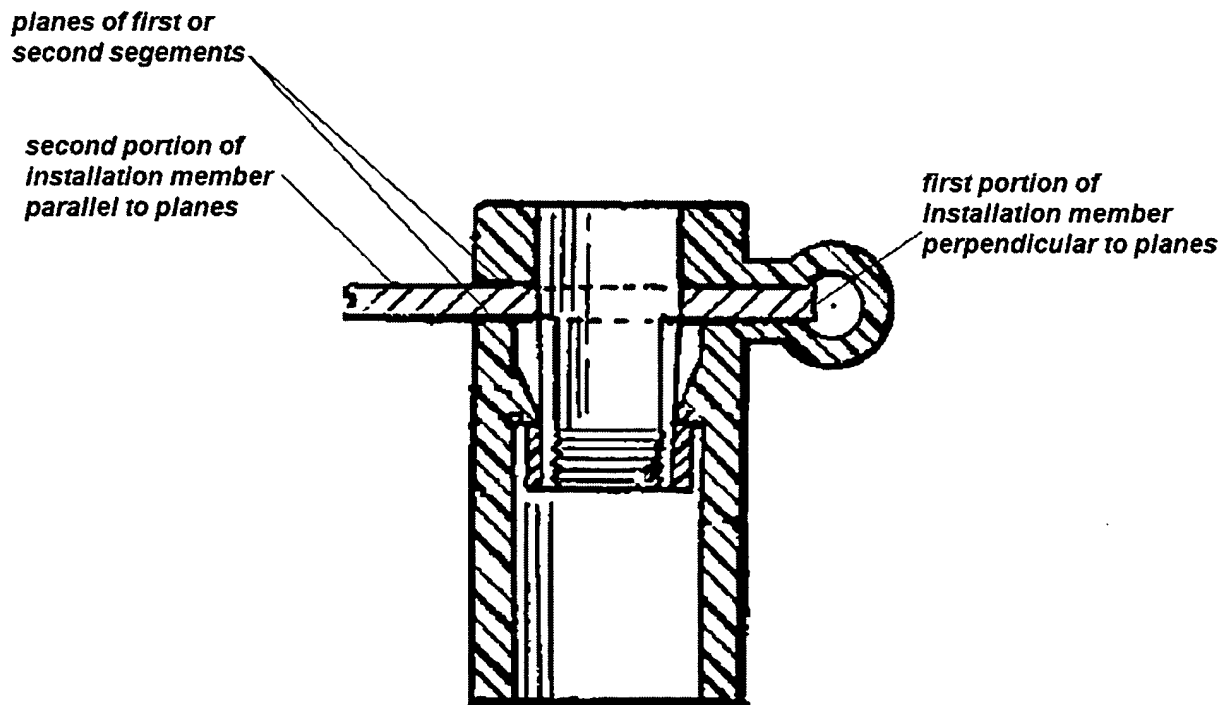
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[7] Claims 1-6, 8-12, 14-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomsen US-4,376,605.

In short, Thomsen teaches a u-nut (10) joined to an installation member (24), said unut (10) having a first segment (12) second segment (11) and flex area (13). The first segment (12) has a retainer comprising a first stem (20) having a first angled surface (col. 1 lines 58-59) and

Art Unit: 3677

first coupling surface (21) at "an" end thereof (not limited to "distal end"). The second segment (11) similarly comprises an acceptor configured to receive the retainer of the first segment (12), said acceptor comprising a second stem (20) having a second angled surface (21) at "an" end thereof (not limited to "distal end"). The acceptor comprises a plurality of acceptor segments (15), first and second cooperating surfaces (16), and first and second securing surfaces (17), respectfully. The installation member (24) is "configured to" rest upon an edge of a bracket (not claimed). The installation member (24) is provided with a first portion generally perpendicular to a plane of at least one segment, and a second portion generally parallel to a plane of at least one segment as illustrated below. Lastly, a fastener (not shown but described in col. 2 line 14) is inserted, which is "configured to" tap threads (25) into the retainer as an intended use of the fastener.



***Claim Rejections - 35 USC § 103***

[8] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[9] Claims 7, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasseur et al. US-5,779,411 and/or in view of the old and well-known (See also, any one of Keatley US-4,286,642 element 46, Erb et al. US-2,592,130 element 34, Hirose US-5,599,148 element 31, Stark et al. US-5,596,177 element 20, Pope US-2,610,879 element 25, Jhumra et al. US-6,287,064 elements 52&70, Liljendahl US-4,035,874, and others found on form PTO-892).

In short, Thomsen teaches a u-nut satisfying the limitation of claims 1-6, 8-12, and 14-20 when given their broadest reasonable interpretation as discussed above, including what could broadly be construed as "angled surfaces" on each stem (col. 1 lines 58-59).

However, Thomsen fails to suggest the first and second angled surfaces to be at an angle of 45 degrees with respect to a first and second stem axis, respectively.

Vasseur et al. suggests a u-nut having means for coupling first and second segments, said means comprising angled surfaces at an end of each stem (26,27), said angled surfaces being approximately 45 degrees with respect to first and second stem axis, in order to allow proper "lead-in" and alignment and facilitate radial compression of the stems.

Art Unit: 3677

The examiner further takes official notice in view of the prior art of record, that this "providing a chamfer" is a common practice within the art, and is considered an obvious modification.

Therefore, at the time of invention, it would have been obvious to those having an ordinary skill in the art, to modify the stems of the retainer to comprise angled surfaces of 45 degrees, or any other predetermined desired angle, in order to facilitate radial compression of the stems during coupling.

### *Conclusion*

[10] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

See form PTO-892 (attached)

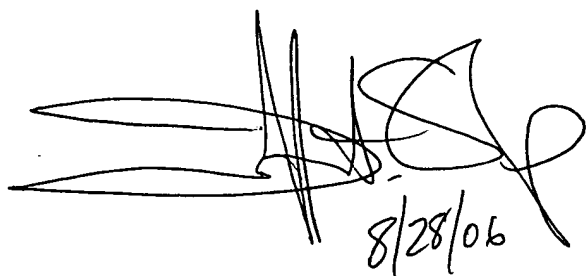
[11] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

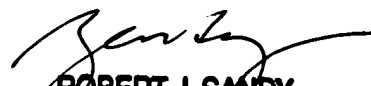
Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



Handwritten signature and date 8/28/06



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**